

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

BANK VONTOBEL AG f/k/a BANK J.  
VONTOBEL & CO. AG and VONTOBEL  
ASSET MANAGEMENT INC.,

Defendants.

Adv. Pro. No. 12-01202 (CGM)

**STIPULATION AND ORDER TO WAIVE ARGUMENT**

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC, under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the estate of Bernard L. Madoff, under Chapter 7 of the United States Bankruptcy Code, 11 U.S.C. §§ 701-784, and defendants Bank Vontobel AG f/k/a Bank J. Vontobel & Co. AG and Vontobel Asset Management Inc. (“Defendants,” and

together with the Trustee, the “Parties”), by and through their respective undersigned counsel, stipulate and agree as follows:

**WHEREAS**, on July 8, 2022, Defendants filed a motion to dismiss the Trustee’s complaint (the “Motion”) [ECF No. 114], with a supporting memorandum of law [ECF No. 115] and the Declaration of Gregory F. Hauser [ECF No. 116]; on September 8, 2022, the Trustee filed an Opposition to Defendants’ Motion [ECF No. 122] and the supporting Declaration of Chardaie C. Charlemagne [ECF No. 123] (the “Opposition”); and on October 10, 2022, Defendants filed a reply in further support of its Motion [ECF No. 125] (the “Reply”, and together with the Motion and Opposition, the “Briefing”);

**WHEREAS**, the Defendants noticed a hearing to consider the Motion to be held on October 19, 2022, at 10:00 am; and

**WHEREAS**, the Parties have conferred and agree to rest on their papers and waive oral argument on the Motion.

**IT IS HEREBY STIPULATED AND AGREED**, by the Parties, and **SO ORDERED**, by the Court:

1. The Court will not hear oral argument on the Motion, and thus the hearing scheduled for 10:00 am on October 19, 2022 to consider the Motion is hereby cancelled and removed from the Court’s calendar.
2. The Parties request that the Court issue its ruling based on the Briefing.
3. The Parties otherwise reserve all rights, arguments, objections, and defenses they may have, and their entry into this Stipulation shall not impair or otherwise affect any such rights, arguments, objections, and defenses.

Dated: October 14, 2022  
New York, New York

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SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and the Chapter 7  
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Management Inc.*

**Dated: October 14, 2022**  
**Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris**  
**U.S. Bankruptcy Judge**